

230053



www.dewittross.com

Capitol Square Office Two East Mifflin Street Suite 600 Madison, WI 53703-2865 Tel 608-255-8891 Fax 608-252-9243	Metro Milwaukee Office 13935 Bishop's Drive Suite 300 Brookfield, WI 53005-8605 Tel 262-754-2840 Fax 262-754-2845
---	--

John Duncan Varda  
Capitol Square Office  
608-252-9311  
jdvarda@dewittross.com

June 14, 2011

**Via Electronic Filing**

Surface Transportation Board  
Attn: Finance Docket No. 35476  
Chief, Section of Administration, Office of Proceedings  
395 E Street, S.W., Room 1034  
Washington, D.C. 200423-0001

Re: Finance Docket No. 35476  
*Wisconsin Central Ltd. - Intra-Corporate Family Merger*  
*Exemption - Duluth, Missabe and Iron Range Railway Company and*  
*Duluth, Winnepeg and Pacific Railway Company*

**Greetings:**

Attached for filing is the "Motion to Dismiss Petition for Revocation of the Exemption Under 49 U.S.C. 10502(d) Filed on Behalf of Wisconsin Central Group".

We previously forwarded, on May 25, 2011, via U.S. Mail, the original and ten copies of the attached pleading. The Applicants' representative, who was served a copy of the filing via U.S. Mail on May 25, 2011 along with other parties of record brought to our attention that our Motion had not yet appeared on the Board's Docket.

Your kind assistance is very much appreciated. Please contact the undersigned in the event of any questions concerning this filing.

Sincerely,

DEWITT ROSS & STEVENS, LLP

  
John Duncan Varda

JDV:mc/mso  
Enclosures

cc: Parties of Record

ENTERED  
Office of Proceedings  
JUN 14 2011  
Part of  
Public Record



www.dewittross.com

Capitol Square Office	Metro Milwaukee Office
Two East Mifflin Street	13935 Bishop's Drive
Suite 600	Suite 300
Madison, WI 53703-2865	Brookfield, WI 53005-6805
Tel 608-255-8891	Tel 262-754-2840
Fax 608-252-9243	Fax 262-754-2845

John Duncan Varda  
Capitol Square Office  
608-252-9311  
jdvarda@dewittross.com

May 25, 2011

Surface Transportation Board  
Attn: Finance Docket No. 35476  
Chief, Section of Administration, Office of Proceedings  
395 E Street, S.W., Room 1034  
Washington, D.C. 200423-0001

Re: Finance Docket No. 35476  
*Wisconsin Central Ltd. - Intra-Corporate Family Merger*  
*Exemption - Duluth, Missabe and Iron Range Railway Company and*  
*Duluth, Winnipeg and Pacific Railway Company*

Greetings:

Enclosed for filing are the original and ten (10) copies of "Motion to Dismiss Petition for Revocation of the Exemption Under 49 U.S.C. 10502(d) Filed on Behalf of Wisconsin Central Group".

A duplicate of this cover letter and return mail envelope, postage prepaid, is enclosed for you stamped verification of receipt.

Your kind assistance is very much appreciated. Please contact the undersigned in the event of any questions concerning this filing.

Sincerely,

**DEWITT ROSS & STEVENS s.c.**

/s/

John Duncan Varda

JDV:mc  
Enclosures

cc: Parties of Record

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**FINANCE DOCKET NO. 35476**

**WISCONSIN CENTRAL LTD. – INTRA-CORPORATE FAMILY  
MERGER EXEMPTION – DULUTH, MISSABE AND  
IRON RANGE RAILWAY COMPANY AND  
DULUTH, WINNIPEG AND PACIFIC RAILWAY COMPANY**

---

**MOTION TO DISMISS  
PETITION FOR REVOCATION OF THE EXEMPTION  
UNDER 49 U.S.C. 10502(d) FILED ON BEHALF OF  
WISCONSIN CENTRAL GROUP  
(an *ad hoc* rail freight shippers coalition)**

John Duncan Varda  
Attorney for  
Wisconsin Central Group

Of Counsel:  
DeWitt Ross & Stevens S.C.  
Two East Mifflin Street, Suite 600  
Madison, WI 53703  
Tel: 608-252-9311  
Fax: 608-252-9243  
jdvarda@dewittross.com

Dated: May 25, 2011

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**FINANCE DOCKET NO. 35476**

**WISCONSIN CENTRAL LTD. – INTRA-CORPORATE FAMILY  
MERGER EXEMPTION – DULUTH, MISSABE AND  
IRON RANGE RAILWAY COMPANY AND  
DULUTH, WINNIPEG AND PACIFIC RAILWAY COMPANY**

---

**MOTION TO DISMISS  
WISCONSIN CENTRAL GROUP  
PETITION FOR REVOCATION OF THE EXEMPTION  
UNDER 49 U.S.C. 10502(d) FILED ON BEHALF OF**

Wisconsin Central Group is satisfied that the statements set forth in the "Reply to Petition for Revocation of Wisconsin Central Group," dated and filed herein on May 23, 2011, effectively represents that the merger of the two rail carriers (DMIR and DWP, as referenced in the Notice of Exemption) into WCL will in no way preclude, hinder, impair or impede corrective actions that may be taken by the Railroad, whether voluntary or pursuant to action by this Board, to assure effective competition for freight, particularly non-captive freight, originating and/or terminating on lines of the WC System, including WCL, and will, thus, create an estoppel to any representation or claim to the contrary.

Accordingly, consistent with its representation therein, at page five, Wisconsin Central Group hereby moves to dismiss its Petition for Revocation of the Exemption.

Dated this 25<sup>th</sup> day of May, 2011.

Respectfully submitted,

/s/

---

John Duncan Varda, WI Bar No. 1014100  
Attorney for  
Wisconsin Central Group

Of counsel:

**DEWITT ROSS & STEVENS, S.C.**  
Two East Mifflin Street, Suite 600  
Madison, WI 53703-2865  
Tel. 608-255-8891  
Fax. 608-252-9243  
jdvarda@dewittross.com

**Certificate of Service**

I, John Duncan Varda, hereby certify that a copy of the foregoing Motion to Dismiss was served by first class mail, postage prepaid, upon Thomas J. Litwiler, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606, and all other parties of record, this 25<sup>th</sup> day of May, 2011.

/s/

---

John Duncan Varda